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12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,

17 Debtor.

18 Case No. BK-S-06-10725-LBR

19 Chapter 11

20 **NOTICE OF HEARING RE
21 OMNIBUS OBJECTION OF USACM
22 TRUST TO PROOFS OF CLAIM
23 BASED UPON INVESTMENT IN
24 THE BROOKMERE MATTESON
25 LOAN**

26 Date of Hearing: August 30, 2011

1 Time of Hearing: 10:30 a.m.

2 Estimated Time For Hearing: 10 minutes

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4 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
5 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
6 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**
7 **BROOKMERE MATTESON LOAN. THE USACM TRUST CONTENDS THAT**
8 **YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN**
9 **THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN**
10 **MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE**
11 **REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
12 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
13 **DIFFERENT LOAN.**

1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
6 **HINDERAKER (520-629-4430).**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the Brookmere Matteson Loan (with Certificate of Service) (the
10 “Objection”). Your Proof of Claim number and other information regarding your claim is
11 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has
12 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
13 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy
14 Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is
15 based upon an investment in the Brookmere Matteson Loan. The Objection will not
16 impact your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 **August 30, 2011, at the hour of 10:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**
22 **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
26 response to the objection must be filed and service must be completed no later than

1 fourteen (14) days preceding the hearing date. The opposition must set forth all relevant
2 facts and any relevant legal authority.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this
4 pleading with the Court. You *must* also serve your written response on the person who
5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your
7 written response on the person who sent you this notice, then:

8 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
9 • The Court may *rule against you* and sustain the objection without formally
10 calling the matter at the hearing.

11 Dated: July 19, 2011.

12 LEWIS AND ROCA LLP

13 By s/ John Hinderaker (AZ 18024)
14 Robert M. Charles, Jr., NV 6593
15 John Hinderaker, AZ 18024 (*pro hac vice*)
16 3993 Howard Hughes Parkway, Suite 600
17 Las Vegas, Nevada 89169
18 E-mail: JHinderaker@lrlaw.com
19 Attorneys for the USACM Liquidating Trust

20 Copy of the foregoing mailed by first
21 class postage prepaid U.S. Mail on
22 July 19, 2011 to all parties listed on
23 Exhibit A attached to the objection.

24 LEWIS AND ROCA LLP

25 s/ Matt Burns
26 Matt Burns